

Article - Family Law

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§12-102.1.

(a) A medical support notice:

(1) may be issued by a child support agency in any child support case in which a circuit court of this State or tribunal of another jurisdiction has ordered a parent to include the child in the parent's health insurance coverage; and

(2) shall be issued by a child support agency in all child support cases enforced by the Administration in which a noncustodial parent's employer is known and a circuit court of this State or tribunal of another jurisdiction has ordered the parent to include the child in the parent's health insurance coverage, unless the court order or administrative order provides for alternative health insurance coverage.

(b) A medical support notice shall:

(1) be in a format approved by the federal government;

(2) be a separate document that does not include any other orders or pleadings; and

(3) include the following information:

(i) a statement explaining the employer's obligations under this subtitle to withhold any employee contributions due in connection with health insurance coverage for the employee's child;

(ii) a statement explaining that, subject to further orders of the circuit court of this State or tribunal of another jurisdiction, the employer is required to withhold the appropriate amount on a regular and continuing basis beginning with the next pay period after receipt of the appropriate part of the medical support notice indicating the employee's child is eligible for enrollment;

(iii) an explanation of the application of the federal Consumer Credit Protection Act limits;

(iv) an explanation of the applicability of any prioritization required when available funds are insufficient for full withholding for both child support and medical support;

(v) any other information that the employer needs to comply with the medical support notice;

(vi) a statement that failure to comply with the medical support notice without good cause may subject the employer or carrier to civil penalties;

(vii) a statement of the employee's right to contest the withholding based on a mistake of fact; and

(viii) the name and telephone number of the appropriate person to contact at the Administration about the medical support notice.

(c) Subject to federal law, a medical support notice has priority over any other lien or legal process, except for current support and support arrears withheld under an earnings withholding order or notice.

(d) A medical support notice that is completed appropriately and satisfies the conditions of § 609(a) of Title I of the Employee Retirement Income Security Act shall:

(1) be treated as a qualified medical child support order by a carrier;

(2) have the same force and effect as a qualified medical child support order; and

(3) be enforceable in the same manner as a qualified medical child support order.

(e) A medical support notice issued in another state shall be enforced in the same manner as a medical support notice issued in this State.

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